

Ser. No. 10/731,201  
Filed Dec. 10, 2003  
Response A'



IFW

#### Remarks

The following is responsive to the Examiner's Action finding Applicants' previous amendment not fully responsive.

The Examiner's attention is directed to the following portion of CFR 1.121(c)(2):

... Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

The Examiners position that "only" status identifier is permitted is in error and is contrary to the provisions of the cited rule.

It is respectfully requested that the finding of non-responsiveness be withdrawn and an early and favorable action on the merits of Applicants' prior response be issued without further delay – bearing in mind Applicants petition to make special has been granted and an action on the merits has yet to be received after of a pendency that is fast approaching a two year period.

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#### CERTIFICATE OF MAILING

I hereby certify that the foregoing and accompanying, separate Claim Amendments were deposited with the United States Postal Service, prepaid first class mail, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 27, 2005.

Edmund S. Lee III